THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.5706, 5711, 5714, 5715, 5832, 5836, 5890, 5892, 5893, 5894, 6183, 6314, 6316, 6351, 6352, 6353, 7662, 7690, 7788, 7940 & 7941 of 2005

Date : 29-9-2006

W.P.No.5706/2005

Between:

K.Venkateswara Rao s/o.late
K.Nagabhushanam, aged 50 years,
D.No.10-50-18/1(14),
Siripuram Towers,
Visakhapatnam
and others .. Petitioners

and

The Visakhapatnam Municipal Corporation,
Represented by its Commissioner,
Visakhapatnam, Visakhapatnam District
and others .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.5706, 5711, 5714, 5715, 5832, 5836, 5890, 5892, 5893, 5894, 6183, 6314, 6316, 6351, 6352, 6353, 7662, 7690, 7788, 7940 & 7941 of 2005

COMMON ORDER:

1. Heard Sri T.Niranjan Reddy, Counsel representing the writ petitioners in all these Writ Petitions and Sri Ranga Reddy, the learned Standing Counsel representing the 1st respondent.

2. These Writ Petitions are filed praying for appropriate directions directing the respondents not to demolish the house and structures belonging to the petitioners by declaring the action of the respondents in trying to demolish the houses or structures specified in the respective Writ Petitions at Visakhapatnam, Visakhapatnam District without following the due process of law, as arbitrary, illegal, unconstitutional and for other appropriate reliefs.

3. The facts in all these Writ Petitions are almost common except the door numbers of the respective houses of the concerned writ petitioners. The Counsel representing the writ petitioners also placed strong reliance on **B.Venkatagiri and others Vs. State of A.P. and others** [1] and would contend that except due process of law is followed the 1st respondent cannot resort to any demolition activity of the subject matter of these Writ Petitions. Several factual details had been narrated and specific stand was taken that the officers of the 1st respondent recently started making markings to the buildings and open sites belonging to the petitioners and on enquiry they came to know that the intention of such markings is to widen the road on which the buildings of these petitioners are located.

4. Though these Writ Petitions are appearing under the caption "Interlocutory", the Counsel made a request for disposal of the Writ Petitions as such.

5. In view of the facts and circumstances well explained by the

Counsel on record and also in the light of the reliefs prayed for in the respective Writ Petitions and the facts narrated in the affidavits filed in support of these Writ Petitions, this Court is of the considered opinion that the Writ Petitions be disposed of directing the 1st respondent not to resort to any demolition activity of the houses, structures etc., the subject matters of this batch of Writ Petitions unless and until the 1st respondent follows the due process of law.

6. The Writ Petitions are accordingly disposed of. No order as to costs.

_____

Justice P.S.Narayana

Date : 29-9-2006

AM

---

[1] **2002 Supp.(1) ALD 728**